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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Our Case No. 12965US03)

In The Application Of:

Marshall et al.

Serial No.: 10/648,463

Filed: August 26, 2003

Examiner: V. Bali

Group Art Unit: 2623

For: METHOD FOR GENERATING A
UNIQUE AND CONSISTENT
SIGNAL PATTERN FOR
IDENTIFICATION OF AN
INDIVIDUAL

CERTIFICATE OF MAILING

I hereby certify that this correspondence is
being deposited with the United States Postal
Service as first class mail in an envelope
addressed to Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313-1450 on:

August 22, 2005

By: *Sean J. Rudger*

Reg. No.: 30,171

**TERMINAL DISCLAIMER TO OBVIATE ANY DOUBLE
PATENTING ISSUE (37 C.F.R. 1.321(b))**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Interest of Entity Making This Disclaimer

Retinal Technologies is the assignee of the entire interest in the above application as well
as U.S. Patent No. 6,453,057 issued to Retinal Technologies on September 17, 2002 and U.S.
Patent No. 6,757,409 issued to Retinal Technologies on June 29, 2004.

Disclaimer

Retinal Technologies hereby disclaims the terminal part of any patent granted on the
above-identified application, which would extend beyond the expiration date of said U.S. Patent
No. 6,453,057 and U.S. Patent No. 6,757,409 and hereby agrees that any patent so granted on the

above-identified application shall be enforceable only during such period that said patent is commonly owned with said U.S. Patent No. 6,453,057 and U.S. Patent No. 6,757,409, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee and its successors or assigns.

It is to be understood from the foregoing language that Retinal Technologies does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the term of said U.S. Patent No. 6,453,057 and U.S. Patent No. 6,757,409, even if the effective life of said U.S. Patent No. 6,453,057 and/or U.S. Patent No. 6,757,409 is shortened by a subsequent event (such as, for example, failure to pay a maintenance fee, a court or Patent Office ruling, or a disclaimer by the Patentee).

Fee Status (37 C.F.R. 1.20(d))

Please charge the fee to the deposit of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

EVIDENTIARY STATEMENT

The evidentiary documents accompanying or referred to in the Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of the assignee's knowledge and belief, title is in the assignee seeking to take action.

Dated: August 22, 2005

By Jean Dudek Kuelper
Jean Dudek Kuelper
Reg. No. 30, 171
Attorney for Applicant

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By: Jean D. Kuelper

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TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Terminal Disclaimer Under 37 C.F.R. 1.321(b) to Obviate Any Double Patenting Issue. This terminal disclaimer is being filed as requested by Examiner Bali in a telephone conference with the undersigned.

Please charge the fee of \$65.00, any additional fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd. The Account No. is 13-0017.

Respectfully submitted,

Dated: August 22, 2005

By: Jean D. Kuelper
Jean Dudek Kuelper
Reg. No. 30,171

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